



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,306	02/18/2004	Stephen Woo	1162.701	4848

26129 7590 01/17/2007
CHAN LAW GROUP LC
1055 W. 7TH ST,
SUITE 1880
LOS ANGELES, CA 90017

EXAMINER

REYNOLDS, STEVEN ALAN

ART UNIT	PAPER NUMBER
----------	--------------

3728

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/781,306

Applicant(s)

WOO, STEPHEN

Examiner

Steven Reynolds

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the reply filed on 11/22/2006, wherein claims 1 and 8 were amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

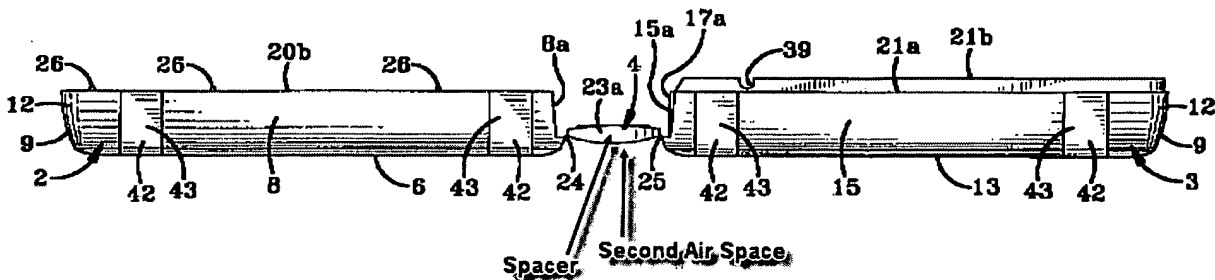
4. Claims 1, 6, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooley (US 5,400,903) in view of Sankey et al. (US 5,975,298). Cooley discloses a laptop computer case comprising a tray (15) having a back side (15b), a bottom (6) and at least one support (40); a first air space (44) formed between the laptop computer and the tray by the at least one support engaging the laptop computer; a lid (10) having a top (13) and a back side (10b); at least one privacy screen (125); a light (130)

Art Unit: 3728

removably attached to the case; and a mouse pad (75). Cooley does not appear to disclose said lid having a liner pad; a spacer; a first hinge attaching the spacer to the back side of the lid; a second hinge attaching the spacer to the back side of the tray; and a second air space formed between the lid and the tray when lid and the spacer are rotated about the first and second hinges respectively to bring the top of the lid adjacent the bottom of the tray.

Regarding the lid having a liner pad, it is common in the art to supply said lid with a liner for the purpose of protecting the laptop. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Cooley with a liner pad inside the lid to protect the laptop computer.

Sankey et al. teaches a container having a spacer (See figure below); a first hinge (25) attaching the spacer to the back side of the lid; a second hinge (24) attaching the spacer to the back side of the tray; and a second air space (See figure below) formed between the lid and the tray when lid and the spacer are rotated about the first and second hinges respectively to bring the top of the lid (13) adjacent the bottom of the tray (6) for the purpose of allowing the lid to completely open and sit on the same plane as the tray. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Cooley with two hinges and a spacer as taught by Sankey et al. for the same purpose to achieve a compact arrangement.



5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooley (US 5,400,903) in view of Sankey et al. (US 5,975,298) as applied to claim 1 above, and further in view of Speirs (US 5,857,568). Cooley as modified above discloses all the limitations of the claims except for at least one support further comprising at least one engagement stop, each of the at least one engagement stops secured to the tray at an attachment location; at least one pad each of the at least one pads secured to the tray at a pad attachment location; the attachment location of the at least one engagement stop may be adjusted relative to the tray, and the pad attachment location of the at least one pad may be adjusted relative to the tray.

However, Speirs teaches engagement stops (frame members 48, 50 and 52) and pads (174) secured to the tray at an attachment location (see column 5, lines 7-14); said engagement stops and pads may be adjusted relative to the tray (column 5, lines 52-58) for the purpose of accommodating and protecting portable computers of various sizes. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified device of Cooley with engagement stops and pads as taught by Speirs for the same purpose.

Art Unit: 3728

6. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooley (US 5,400,903) in view of Sankey et al. (US 5,975,298) as applied to claim 1 above, and further in view of Jung (US 6,145,661). Cooley as modified above discloses all the limitations of the claims except for a front side hingeably attached to the tray; a wrist support secured to the front side, the front side rotating to expose the wrist pad for use; and at least one door access hingeably attached to the tray.

However, Jung teaches a front side (70) hingeably attached to the tray (See Fig. 5 embodiment); a wrist support (76) secured to said front side; and a door access (80) hingeably attached to the tray (See Fig. 7 embodiment) for the purpose of reducing strain on the hands and to allow electrical cords to be easily attached to a notebook computer. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified device of Cooley with a hingeably attached front tray including a wrist support; and also an access door in order to provide cushioning for the user's hands and also gain access to the computer for connecting electrical cords.

7. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooley (US 5,400,903) in view of Sankey et al. (US 5,975,298) as applied to claim 1 above, and further in view of Fahl et al. (US 6,053,381). Cooley as modified above discloses all the limitations of the claims except for a carrying strap retractably attached to the case, and a biasing means to retract the carrying strap within the case; said biasing means further comprises a pulley attached to the biasing means, the handle is looped around the pulley and attached to the case.

However, Fahl et al. teaches a carrying strap (20A) retractably attached to the case, and a biasing means (pulley 60) to retract the carrying strap within the case (See Fig. 4 embodiment) for the purpose of easily adjusting the strap for carrying and to hide strap within case when not in use to save space. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified device of Cooley with a retractable strap as taught by Fahl et al. for the same purpose.

Conclusion

Response to Arguments

8. Regarding applicant's argument that the "open" position shown in Figure 2 of Cooley is not the same as the "open" position as shown by applicant in Figures 2 and 3: Cooley goes on to disclose that the case can be fully open to 180 degrees so as to create a substantially planar unit (See column 6, lines 50-60), this fully open position is the same as that disclosed by Sankey et al. in Figure 7.

9. Contrary to applicant's argument that the lid of Cooley is not capable of being connected via a double hinge of the type disclosed by Sankey et al. because of the privacy screen: Cooley discloses the privacy screens (120) are connected to sides (10c) of the cover member (10) and the sides (15c) of the bottom cover member (15) enabling the case to fully open 180 degrees to a planar unit (See column 6, lines 43-65).

Art Unit: 3728

Therefore, it would have been obvious to combine the case of Cooley with the double hinge taught by Sankey et al.

10. Contrary to applicant's argument that the top of the lid of Cooley can not be brought adjacent to the bottom of the tray: Refer to paragraphs 8 and 9 of this action to where the case of Cooley can be brought to a fully open position, wherein the top of the lid is adjacent to the bottom of the tray (The same arrangement as seen in Sankey et al. Figure 7).

11. Contrary to applicant's argument that there is no separate element that can be considered a "tray" in Speirs: Examiner points applicant to the lower briefcase portion (14) which Examiner considers a "tray" in which engagement stops (48,50,52) are secured to the side walls as seen in Figure 1.

12. Contrary to applicant's argument that Cooley discloses a laptop computer defining the entire volume within the lower portion of the case: Examiner points applicant to Figure 4, where the laptop computer is shown to not extend all the way to the side walls of the case, leaving enough space for the engagement stops and pads of Speirs.

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 3728

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Reynolds whose telephone number is (571)272-9959. The examiner can normally be reached on Monday-Friday 8:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571)272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SR

1/5/07


Mickey Yu
Supervisory Patent Examiner
Group 37C0